



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 20, 2023

BY EMAIL AND ECF

The Honorable Jed S. Rakoff
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: *United States v. Bruce Silva, 22 Cr. 347 (PGG);
 United States v. Shadell McBride, 22 Cr. 484 (JSR);
 United States v. Bruce Silva, et al., 23 Cr. 204 (LGS)***

Dear Judges Rakoff, Gardephe, and Schofield:

The Government respectfully submits this letter to inform the Court of three related cases and to move, pursuant to Federal Rule of Criminal Procedure 13, that all three cases be consolidated before a single Judge of the Court.

By way of background, Indictment 22 Cr. 347 (PGG) was filed on June 21, 2022 and was assigned to Judge Gardephe. That Indictment charges defendant Bruce Silva in one count with being a felon in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1), in connection with a shooting committed by Silva on or about August 13, 2019 (the “August 2019 Silva Shooting”).

Indictment 22 Cr. 484 (JSR) was filed on September 12, 2022 and was assigned to Judge Rakoff. That Indictment charges defendant Shadell McBride in one count with being a felon in

possession of ammunition, in violation of 18 U.S.C. § 922(g)(1), in connection with a shooting committed by McBride on or about June 20, 2022 (the “June 2022 McBride Shooting”).


Earlier this morning, Indictment 23 Cr. 204 (LGS) (the “RICO Indictment”) was unsealed and assigned to Judge Schofield. The RICO Indictment contains 20 counts and charges Silva, McBride, and eight other defendants with racketeering conspiracy, in violation of 18 U.S.C. § 1962(d); narcotics conspiracy, in violation of 21 U.S.C. § 846; several counts of attempted murder and assault with a dangerous weapon in aid of racketeering, in violation of 18 U.S.C. § 1959; and several counts of firearms use and possession, in violation of 18 U.S.C. § 924(c). In particular, the RICO Indictment charges both the August 2019 Silva Shooting underlying case 22 Cr. 347 (PGG) and the June 2022 McBride Shooting underlying case 22 Cr. 484 (JSR) as violent crimes in aid of racketeering and as violations of 18 U.S.C. § 924(c). Those two incidents also serve as predicate racketeering acts underlying the racketeering conspiracy charged in the RICO Indictment.

The Government respectfully moves for joinder of all three cases before a single Judge of the Court. Pursuant to Rule 13, separate cases may be “tried together as though brought in a single indictment or information if all offenses and all defendants could have been joined in a single indictment or information.” The charges in these three cases easily satisfy the joinder requirements set forth in Rule 8, which require that different charges “are of the same or similar character, or are based on the same act or transaction, or are connected with or constitute parts of a common scheme or plan,” and that different defendants “are alleged to have participated in the same act or transaction, or in the same series of acts or transactions, constituting an offense or offenses.” Judicial economy and the interests of justice weigh heavily in favor of consolidation, to prevent overlapping and duplicative pretrial proceedings before multiple judges, to permit streamlined negotiation regarding possible pretrial dispositions, and to avoid the possibility of conducting multiple trials as to the same incidents and involving presentation of the same evidence.

The undersigned have consulted with counsel for defendants Silva and McBride. Both defendants join in this request for consolidation. The Government takes no position as to which Judge the consolidated case should be assigned and defers to the Court’s judgment on that question.

Respectfully submitted,

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